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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 The Internet Corporation for Assigned
Names and Numbers,
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13 Plaintiff,

14 v.

15 RegisterFly.Com, Inc., and
UnifiedNames, Inc.,
16

16 Defendants.
17

Case No. CV 07-2089 R (PLAx)

**ORDER IMPOSING FURTHER
CIVIL CONTEMPT SANCTIONS**

ORDER

On June 14, 2007 this Court entered a Permanent Injunction ("PI") against Defendants RegisterFly.Com, Inc. and UnifiedNames, Inc. Pursuant to Rule 65 of the Federal Rules of Civil Procedure, the PI is operative against employees, agents, officers, directors and those in concert with the defendants.

On May 23, 2008, plaintiff Internet Corporation for Assigned Names and Numbers ("ICANN") filed an Application for Civil Contempt Sanctions, presenting clear and convincing evidence to this Court of defendants' failure to comply with the PI. In addition, ICANN previously presented this Court with evidence that it served defendants with the PI.

On November 3, 2008, the Court heard arguments regarding Plaintiff's Application for Order to Show Cause Why Civil Contempt Sanctions Should not be Granted. As the Civil Minutes for the November 3, 2008 Hearing provide, the Court found RegisterFly.Com Inc.'s current owner, Robert O'Neil, in civil contempt. (Civil Minutes-General, (hereinafter "Minutes") November 3, 2008, Docket # 128). The Minutes specifically state:

The Court finds Registerfly.com's current owner Robert O'Neal in civil contempt, and Orders that Mr. O'Neal shall comply with the directives of the contempt order, as stated on the record, within 10 days of service of the order on his counsel. After the 10 days, if the order has not been complied with, Mr. O'Neal will be fined \$500.00 per day for each day of non-compliance; after 30 days, if he has not complied with the order, a bench warrant for Mr. O'Neal's arrest will issue, and Mr. O'Neal will be incarcerated until such time as he does comply with the order.

(Civil Minutes-General, November 3, 2008, Docket # 128).

Based on the Complaint filed herein, all items within the record of this litigation, the Application for Order to Impose Civil Contempt Sanctions, the

1 Memorandum and Declaration of Samantha Eisner filed in support of the Contempt
2 Application, and the argument of counsel,

3 IT IS HEREBY ORDERED THAT:

4 Defendants RegisterFly.Com, Inc. and UnifiedNames, Inc., and Robert
5 O'Neil and Retail Web Solutions ("RWS"), as persons affiliated with or acting in
6 concert with the defendants under Rule 65 of the Federal Rules of Civil Procedure,
7 (for purposes of this Order, "RegisterFly") are hereby found in civil contempt for
8 violating this Court's June 14, 2007 Permanent Injunction.

9 IT IS FURTHER ORDERED THAT:

10 1. Robert O'Neil shall comply with the directives of the contempt order, as
11 stated on the record, within ten (10) days of service of the order on his counsel.
12 After the 10 days, if the order has not been complied with, Mr. O'Neil will be fined
13 \$500.00 per day for each day of non-compliance; after thirty (30) days, if he has not
14 complied with the order, a bench warrant for Mr. O'Neil's arrest will issue, and Mr.
15 O'Neil will be incarcerated until such time as he does comply with the order.

16 2. As a SANCTION for RegisterFly's willful failure to comply with the PI,
17 within ten (10) calendar days of the entry of this Order, RegisterFly is required to
18 maintain – at all times – the following Notice to Consumers at any page controlled
19 by, or operated for the benefit of, RegisterFly to which consumers are directed to
20 when querying registerfly.com, any other website through which it offers to register
21 Internet domain name registrations, or any page to which consumers are redirected
22 therefrom: "NOTICE TO CONSUMERS: THE INTERNET CORPORATION
23 FOR ASSIGNED NAMES AND NUMBERS, THE NOT-FOR-PROFIT ENTITY
24 THAT ADMINISTERS THE INTERNET'S DOMAIN NAME SYSTEM, HAS
25 TERMINATED THIS COMPANY'S ACCREDITATION TO SERVE AS AN
26 INTERNET DOMAIN NAME REGISTRAR. PLEASE SEE www.icann.org FOR
27 FURTHER INFORMATION." The Notice to Consumers must be plainly obvious
28 to any consumer visiting the pages specified above, so as to avoid any consumer

1 confusion that RegisterFly is or continues to act as an ICANN-accredited registrar.
2 The Notice to Consumers must be posted at and must appear in the top third of each
3 web page, and must be in 14-point bold black typeface on a white background.

4 3. RegisterFly must post the Notice to Consumers as described in Paragraph
5 2 at any website that accepts redirection from registerfly.com and any other website
6 through which it offers to register Internet domain name registrations. All pages
7 accessed through a query of registerfly.com and any other website through which it
8 offers to register Internet domain name registrations must have the Notice to
9 Consumers posted.

10 4. RegisterFly is to remove any and all references to its status as a
11 "registrar" from any and all sites through which it offers registrations of internet
12 domain names, including but not limited to regfly.com. In accordance with
13 Paragraph 11 of the Permanent Injunction, RegisterFly must maintain the proper
14 Notice to Consumers on registerfly.com and any other website through which it
15 offers registrations of Internet domain names, including regfly.com and any other
16 website through which it offers to register Internet domain name registrations. The
17 Notice to Consumers required under this paragraph is subject to the modifications
18 to the Notice as indicated in Paragraph 2 of this Order.

19 5. RegisterFly is under a continuing obligation to abide by all terms of the
20 June 14, 2007 PI and may be subject to additional civil or criminal sanctions for
21 any further violations thereof.

22 IT IS SO ORDERED.

23 Dated: February 26, 2009
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27 The Honorable Manuel L. Real
28 United States District Court Judge